

(1) The legal name, date of birth (including month, day, and year), sex, (and if the State collects such data) height, weight, and color of eyes;

(2) The name of the State transmitting such information; and

(3) The social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number).

(o) *Probable Identification* means the occurrence when the personal identifying information in an inquiry compares with the identifying information on a record in the NDR file such that there is a high probability that the individual identified on both records is the same person. See Match.

(p) *Problem Driver Pointer System (PDPS)* means a system whereby the NDR causes information regarding the motor vehicle driving records of individuals to be exchanged between the State which took adverse action against a driver (State of Record) and the State requesting the information (State of Inquiry).

(q) *PDPS State* means a State which participates in the PDPS by submitting pointer records for inclusion in the NDR file and by providing information to States of Inquiry as a State of Record.

(r) *Rapid Response System* means an interactive inquiry capability of the NDR system used by non-PDPS States.

(s) *Remote Job Entry* means an automated communication method in which information is transmitted in batches (usually a large number of records) and responses are also transmitted in batches, all within a 24-hour period.

(t) *State of Inquiry* means the State submitting an inquiry to the NDR to determine if it contains information regarding a driver license applicant.

(u) *State of Record* means the State which took an adverse action against a driver and transmitted identification data regarding the driver to the NDR, in accordance with §1327.5(a) of this part.

(v) *Substantive Adverse Action Data, substantive adverse driver licensing data*

and *substantive data* mean data which give the details regarding a State's revocation, suspension, denial or cancellation of a driver's license, or the conviction of a driver, such as date, reason, eligible/restoration date, etc.

(w) *Transportation Safety Purposes* means information requests submitted on behalf of other parties authorized by the NDR Act of 1982, as amended, to receive NDR information.

(x) *Transition Period* means the period which began on July 11, 1985 and will continue until a fully electronic register system is established, but not later than April 30, 1995.

[56 FR 41403, Aug. 20, 1991, as amended at 62 FR 63657, Dec. 2, 1997]

#### § 1327.4 Notification procedures.

(a) *Participation.* (1) The chief driver licensing official of a State that wishes to participate in the NDR under the Problem Driver Pointer System (PDPS) shall send a letter to the National Highway Traffic Safety Administration (NHTSA) certifying that the State wishes to be considered a participating State, that it intends to be bound by the requirements of section 205 of the NDR Act of 1982 and §1327.5 of this part, and what conversion steps, if any, it has already completed.

(2) Within 20 days after receipt of the State's notification, NHTSA will acknowledge receipt and provide detailed instructions to the State of the steps to be taken for converting and operating under the PDPS.

(3) NHTSA will establish a schedule for providing assistance to the States during their conversion process. The agency will assign priorities to the States based on the order in which complete notifications are received. In the event two or more complete notifications are received on the same date, the agency will assign priorities based on those States' relative stage of development towards completing the conversion process. A State's stage of development will be determined based on which one of the following groups it falls into, listed in descending order of priority, i.e., the first group will receive the highest priority, the second group will receive the next highest priority, etc.

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(i) States that participated in the PDPS pilot test program (North Dakota, Ohio, Virginia and Washington);

(ii) States that have implemented the Rapid Response System;

(iii) States that have implemented the Commercial Motor Vehicle Safety Act (CMVSA) requirements and intend to participate in the NDR interactively;

(iv) States that have implemented the CMVSA requirements and intend to participate in the NDR using remote job entry;

(v) States that have not progressed to one of the above stages.

(4) The chief driver licensing official of each State that has notified the agency of its intention to become a participating State will, at such time as it has completed all conversion steps, certify this fact to the agency.

(5) Upon receipt, review and approval of certification from the State, NHTSA shall certify the State as a participating State under PDPS.

(b) *Termination or cancellation.* (1) If a State finds it necessary to discontinue participation, the chief driver licensing official of the participating State will notify the agency in writing, providing the reason for terminating its participation.

(2) The effective date of termination will be no less than 30 days after notification of termination.

(3) NHTSA will notify any participating State that changes its operations such that it no longer meets statutory and regulatory requirements, that its certification will be withdrawn if it does not come back into compliance within 30 days from the date of notification.

(4) If a participating State does not come back into compliance with statutory and regulatory requirements within the aforementioned 30-day period, NHTSA will send a letter to the chief driver licensing official cancelling its certification.

(5) NHTSA will remove all records on file and will not accept any inquiries or reports from a State whose participation in the NDR has been terminated or cancelled.

(6) To be reinstated as a participating State after being terminated or cancelled, the chief driver licensing official

shall follow the notification procedures in subparagraphs (a)(1) and (4) of this section.

(7) NHTSA will re-certify a State as a participating State upon determining that the State complies with the statutory and regulatory requirements for participation, in accordance with paragraphs (a)(2), (3) and (5) of this section.

(c) *After transition period ends.* (1) After the transition period ends, only participating States may participate in the NDR. NHTSA will remove all records on file and will not accept any inquiries or reports from a State that has not been certified as a participating State at that time, unless the agency has granted the State an extension of time in accordance with the remainder of this paragraph.

(2) If a State will not be certified as a participating State by April 30, 1995, but wishes to continue participating in the NDR, it may request an extension of time. The State request shall:

(i) Be submitted, by February 28, 1995, to the Office of Chief Counsel, NCC-30, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; and

(ii) Set forth the reasons for the request, the length of the extension requested and a plan showing how conversion will be completed by the proposed extension deadline.

(3) Upon receipt and review of the request, NHTSA will notify the State in writing of the agency's decision to grant or deny the request.

(4) A request for a renewal of an extension of time must be received by the agency no later than 30 days prior to the termination of the extension of time granted by the agency. A request for a renewal of an extension of time must meet the same requirements as the original request for an extension of time.

(5) If a request for a renewal of the extension of time which meets the requirements of § 1327.4(c)(2) is filed, the extension of time will continue until a decision is made on the renewal request.

**§ 1327.5 Conditions for becoming a participating State.**

(a) *Reporting requirements.* (1) The chief driver licensing official in each